

UNANNOUNCED  
 DATE: 10/1/04  
 BY: M.P.

UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

PATRICK ANGLE,

Defendant.

FILED  
 2004 SEP 30 P 3:29

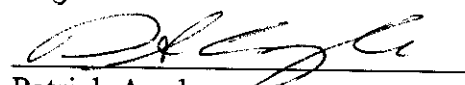
Case No.  
 U.S. DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

04-CR-10252-RCL

**CONSENT TO TRANSFER OF CASE  
 FOR PLEA AND SENTENCE  
 (Under FRCP 20)**

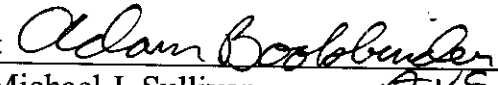
I, Patrick Angle, defendant, have been informed that an information is pending against me in the above case. I wish to plead guilty to the offense charged, to consent to disposition of the case in the Southern District of Indiana, in which I live, and to waive trial in Massachusetts.

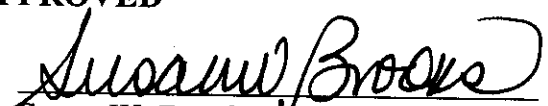
Dated: Aug 22, 2004

  
 Patrick Angle

  
 Jesse Cook, Esq.

**APPROVED**

By:   
 Michael J. Sullivan  
 United States Attorney  
 District of Massachusetts

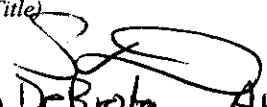
  
 Susan W. Brooks  
 United States Attorney  
 Southern District of Indiana

To: United States Attorney Susan W. Brooks	District  Southern District of Indiana	Date  08-24-2004
Name of Subject  Patrick Angle	Statute Violated  18 USC 1030	File Data (Initials and Number)

**Part A -- District of Arrest**


- ☐ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your district. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclose is certified copy of waiver of indictment executed by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☐ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceedings or certified copies thereof to the Clerk of the Court in this district in accordance with Rule Docket No. \_\_\_\_\_
- ☐ Other (Specify): \_\_\_\_\_
- ☐ The above-named defendant entered a plea of guilty under Rule 20.

**Date of Plea                      Date of Sentence                      Sentence**

From (Signature and Title)  Steven DeBrota, AUSA	Address 10 West Market, Suite 2100 Indpls, IN 46204
---	---

**Part B -- District of Offense**

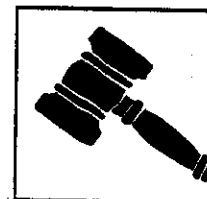
- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock.  
(Kindly notify me of any anticipated delay.)
- ☒ Enclosed are two certified copies of indictment or information. Docket No. 04-10252-RCL
- ☒ Please have defendant execute waiver of indictment.
- ☐ Other (Specify): \_\_\_\_\_

Signature (Name and Title)  ADAM J. BOOKBINDER, Assistant U.S. Attorney	District  Massachusetts	Date  08-30-2004
---	-------------------------------	------------------------

See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.

**Replaces OBD-101, Fed. 83 edition may be used**

# MEMORANDUM



DATE: 8-23-04

TO: Courtroom Clerk for Judge Lindsay  
and Magistrate Judge \_\_\_\_\_

FROM: Cathy Gawlik Customer Service Supervisor

SUBJECT: Assignment of New Indictment/Information (Superseding if checked \_\_\_\_\_)

*Case to be sent to EN*

Please be advised that the following indictment/information returned or filed on \_\_\_\_\_ has been assigned/referred to you.

Criminal No. 04-10252 RCL U.S.A. v. Patrick Angle

\_\_\_\_\_ This **INDICTMENT/INFORMATION** is **SEALED**. The original file and copies will be maintained under seal until requested or retrieved.

☒

This **INDICTMENT/INFORMATION** is not sealed. The original file will be forwarded to \_\_\_\_\_ upon completion of case opening. A copy of the indictment/information is attached for your information.

N.B. 1. Please check defendant order if this case is superseding. The defendant order does not, and **WILL NOT**, be changed from that in the original case. \_\_\_\_\_

## COPY FOR:

- |   |   |
|---|---|
| <input type="checkbox"/> CASE OPENING CLERK             | <input type="checkbox"/> PROMIS               |
| <input type="checkbox"/> DISTRICT JUDGE COURTROOM CLERK | <input type="checkbox"/> PRETRIAL SERVICES    |
| <input type="checkbox"/> MAG. JUDGE COURTROOM CLERK     | <input type="checkbox"/> COUNTER/PRESS FOLDER |
| <input type="checkbox"/> ASSISTANT U.S. ATTORNEY        |   |

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

PATRICK ANGLE,

Defendant.

Case No.

VIOLATION:

18 U.S.C. § 1030(a)(5)(A)(i), (B)(i)  
(Intentionally Damaging Protected  
Computer)

**04 CR 10252 RCL**

INFORMATION

The United States Attorney charges:

**DOCKETED**

BACKGROUND

1. PATRICK ANGLE is an individual who lived in New Hampshire from approximately August, 2001 through October, 2002, and in Columbus, Indiana from approximately November, 2002 through September, 2003. He maintained his house in Columbus, Indiana at all times relevant to the events set out below.

2. Varian Semiconductor Equipment Associates, Inc. ("Varian"), is a corporation headquartered in Massachusetts that designs, manufactures, and services equipment used to make computer chips.

3. In August, 2001, Varian hired ANGLE to develop e-commerce software that would allow the company to communicate and transact business with its vendors over the Internet.

4. To take this job, ANGLE moved his family from Indiana to New Hampshire. Half the business week he would commute across the state border to Varian's offices in Massachusetts, and half the week he would telecommute from home.

5. At ANGLE's request, in approximately October, 2002, ANGLE and his family moved back to Indiana and Varian agreed to let ANGLE continue working for Varian from

his Indiana home.

6. ANGLE then telecommuted from his home in Indiana by logging on to Varian's computer servers, specifically its Aventail and Cypher servers. At all times relevant to the events set out herein, these computers were located in Massachusetts and were used by Varian in interstate commerce and communication.

7. Because Varian had no legal presence in Indiana, ANGLE could no longer be a full-time Varian employee and had to become a contract employee with a company that consulted to Varian. As a contract employee, ANGLE was no longer entitled to most of the benefits that full-time employees received, such as health insurance, but he tried to make up for this by negotiating for additional benefits, some of which Varian granted.

8. ANGLE resented this arrangement and later believed that his Varian supervisors had not fulfilled all of the company's obligations under the contract. Their relationship deteriorated.

9. On approximately September 8, 2003, ANGLE's supervisor at Varian told him that Varian would terminate his contract on approximately October 3, 2004.

#### THE COMPUTER ATTACK

10. On September 17, 2003, from his Indiana home, ANGLE logged into Varian's Cypher computer server in Massachusetts, as he was authorized to do. This computer held the source code to the e-commerce software that ANGLE had been developing for Varian, as well as the source code to software projects that others at Varian were developing.

11. To vent his frustration with Varian and in excess of his authorized access, ANGLE then intentionally and without authorization transmitted computer commands to the Cypher server that deleted the source code for the e-commerce software that he had been developing, along with source code for e-commerce software developed by others at Varian.

12. In an effort to prevent Varian employees and others from determining who had damaged the Cypher server, ANGLE edited and deleted some of the computer logs that would normally track who used the server and what actions they took on it. ANGLE also changed the server's root password to make it difficult for other Varian employees to log on to the server and assess and repair the damage he had done.

13. ANGLE then joined a Varian teleconference, saying nothing about what he had done to the computer server. At the end of the teleconference, he announced that he was leaving his job at the end of the day.

14. Shortly after the meeting, ANGLE attempted to mask his responsibility for the damage by telling one of his colleagues at Varian that he was having trouble logging on to the Cypher server. ANGLE's colleagues investigated the situation and eventually discovered that the server's password had been changed and that much of the information on the server had been deleted.

15. The software source code that ANGLE deleted had been developed at great expense to Varian and would have been expensive to reproduce. Although Varian was ultimately able to recover the deleted material from backups, the effort consumed approximately 230 man-hours and other associated costs that totaled approximately \$26,455.

COUNT ONE  
(Intentionally Damaging Protected Computer)  
18 U.S.C. § 1030(a)(5)(A)(i), (B)(i)

16. The U.S. Attorney realleges and incorporates by reference paragraphs 1-15 of this Information, and further charges that:

On or about September 17, 2003, in the District of Massachusetts, and elsewhere, defendant,

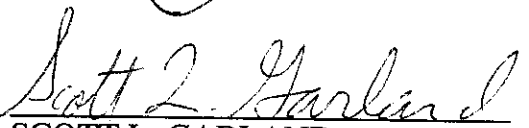
PATRICK ANGLE

knowingly caused the transmission of a program, information, code, and command, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, the Varian Cypher server, which is used in interstate commerce and communication, and by such conduct caused loss to 1 or more persons that affected 1 or more protected computers during a 1-year period aggregating at least \$5,000 in value, in violation of 18 U.S.C. §§ 1030(a)(5)(A)(i), (B)(i).

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Adam J. Bookbinder  
Assistant U.S. Attorney

  
SCOTT L. GARLAND  
Trial Attorney  
Computer Crime and Intellectual Property  
Section  
United States Department of Justice

Dated: August 23, 2004

**Criminal Case Cover Sheet** **04 CR 10252 RCL** **District Court - District of Massachusetts**

Place of Offense: \_\_\_\_\_ Category No. III Investigating Agency FBI

City Gloucester Related Case Information:

County Essex Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**

Defendant Name Patrick Angle Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 650 22<sup>nd</sup> St., Columbus, IN

Birth date (Year only): 69 SSN (last 4 #): 8552 Sex M Race: White Nationality: US

Defense Counsel if known: Jesse Cook Address: 400 Wabash Avenue, Suite 212  
Terre Haute, IN 47807

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**

AUSA Adam Bookbinder Bar Number if applicable 566590

Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_

Matter to be SEALED: ☐ Yes ☒ No

☐ Warrant Requested ☒ Regular Process ☐ In Custody

**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_

☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_


Charging Document: ☐ Complaint ☒ Information ☐ Indictment

Total # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 8/23/04

Signature of AUSA: 



**04 CR 10252 RCL**

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Patrick Angle

## U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 USC 1030(a)(5)</u>	<u>Intentionally damaging protected computer</u>	<u>1</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION: